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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

173 NAC 8

TITLE 173 COMMUNICABLE DISEASES

CHAPTER 8 CONCERNING THE ESTABLISHMENT AND OPERATION OF THE
NEBRASKA STATE IMMUNIZATION INFORMATION SYSTEM

001. SCOPE AND AUTHORITY. The purpose of these regulations is to implement Nebraska Revised Statute (Neb. Rev. Stat.) §§ 71-539 to 71-544.

002. DEFINITIONS. When terms are used in 173 Nebraska Administrative Code (NAC) 8, the following definitions apply:

002.01 AUTHORIZED USER. Individuals and entities authorized to access immunization records in the Immunization Information System.

002.02 DATA ENCRYPTION. The electronic obfuscation of data within an electronic message using industry standard practices for encryption.

002.03 ELECTRONIC HEALTH RECORD (EHR) SYSTEM. Any computerized or electronic system used to capture and store patient identifying health information including immunization data.

002.04 HEALTH CARE FACILITY. Any facility licensed or exempt from licensure under the Health Care Facility Licensure Act.

002.05 HEALTH CARE PROFESSIONAL. Any person authorized by law to order or administer an immunization.

002.06 HEALTH DEPARTMENT OF OTHER STATES. Any state health department established to promote the health and well-being of all residents within its jurisdiction.

002.07 IMMUNIZATION INFORMATION SYSTEM. A central database of immunization information which can be accessed and used pursuant to these regulations.

002.08 IMMUNIZATION STANDARD MESSAGE. A standard electronic message meeting specifications as identified by current versions of the Immunization Information System *Flat File Specifications* or *HL7 Specifications for Immunization* available from the Department upon request.

002.09 LICENSED CHILD CARE FACILITY. Any facility or program licensed under the Child Care Licensing Act.

002.10 POSTSECONDARY EDUCATIONAL INSTITUTION. Any organization or business enterprise which offers courses or subjects for which tuition is charged, and at the place of business of which a course of instruction is available through classroom instruction, home study, or both to a person for the purpose of training, preparing, or improving the person for an occupation even though the organization's or business enterprise principal efforts may not be exclusively educational in nature.

002.11 LOCAL PUBLIC HEALTH DEPARTMENT. Has the same meaning as in Neb. Rev. Stat. § 71-1626.

002.12 PUBLIC HEALTH AUTHORITY. An agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate.

002.13 REAL-TIME MESSAGE. The transmission of discrete standard electronic messages to the Department as they are generated by the Electronic Health Record (EHR) system.

002.14 RESTRICTED IMMUNIZATION INFORMATION. All information contained within an immunization record in the Immunization Information System is restricted by the patient or, if the patient is a minor, the patient's parent or legal guardian, from access from everyone other than the professional or entity that provided the immunization(s).

002.15 SCHOOL. Any approved or accredited school under Neb. Rev. Stat. §§ 79-318 or 79-1601 offering courses of instruction to its students on the school's premises.

002.16 SECURE MESSAGE TRANSPORT PROTOCOL. A method of sending electronic data to the Department in a way that prevents unauthorized access to the data as specified by the Department.

003. WHO MAY REPORT AND HOW TO REPORT. Any person who provides immunizations may submit immunization information to the Department as follows:

003.01 DATA SUBMISSION. Immunization data may be manually entered or electronically submitted using secure message transport protocols and data encryption.

003.02 ELECTRONIC DATA. Electronic data must be submitted as an Immunization Standard Message. Real-time messages must meet the Department's HL7 specifications. File formats must be approved and agreed upon by the Department prior to submission of messages.

003.03 MINIMUM DATASET. The minimum dataset should be manually entered or electronically submitted within 14 calendar days of the date of immunization administration.

003.04 AUTHORIZED USERS. Authorized users may submit data directly to the Department or through a third party acting as their agent. Authorized users selecting this option are responsible for ensuring that all data specifications conform to the requirements of these regulations.

004. ACCESS TO IMMUNIZATION RECORDS. An authorized user may only access unrestricted information in the Immunization Information System as follows:

004.01 LEVEL OF ACCESS. An authorized user will be given a unique user identification, password, and system role which will determine the level of access to unrestricted immunization information on an individual who is presently under that authorized user's care, or enrolled in the authorized user's facility, school, post-secondary educational institution, program or health plan, except as otherwise provided by law.

004.02 LOCAL PUBLIC HEALTH AUTHORITY. An authorized user that is a state or local public health authority may, in addition to accessing unrestricted information described in subsection 173 NAC 8-005.01, access unrestricted information on an individual within the public health jurisdiction for assessment, evaluation, surveillance and outreach related to immunization promotion and vaccine-preventable disease prevention.

004.03 EVIDENCE OF CARE OR ENROLLMENT. The Department may require any authorized user who has accessed an individual's record to provide evidence that such individual was under the care of the authorized user or enrolled in the authorized user's facility, school, post-secondary educational institution, program or health plan at the time the individual's record was accessed.

004.04 INDIVIDUALS, PARENTS, AND GUARDIANS ACCESS TO THEIR CHILD'S IMMUNIZATION RECORD. In order for individuals, parents, and guardians to access to their own or their child's immunization record, the following requirements must be met:

- (A) The first name, last name, date of birth, and social security number must be populated in the Immunization Information System in order for the record to be accessed.
- (B) The individual, parent, or guardian must search for a record using the first name, last name, date of birth, and social security number of the individual for whom they are searching.

005. DATA CONFIDENTIALITY AND SECURITY. An authorized user shall not disclose information from the Immunization Information System except to another authorized user or as otherwise stated in these regulations. All authorized users shall abide by such security policies and procedures to safeguard information in the Immunization Information System deemed

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necessary by the Department. Such policies and procedures may include, but are not limited to, confidentiality agreements, the use of computer passwords, and user identification codes.